United Nations A/HRC/31/NGO/78

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02408(E)

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Situation of the Lumad people in Mindanao, Philippines

Society for Threatened Peoples is watching the situation of the Lumads (indigenous peoples) in Mindanao, an island of the Philippines, with growing worry. Mindanao is one of the bigger islands in the South of the Philippines. It's the poorest island by far, although rich of mineral resources. While the Philippines are mainly Christian, Mindanao has the biggest number of indigenous peoples with their own religion as well as Moro Muslims. Marginalization and unequal land distinction started with colonialization by the Spanish and later the Americans. Mindanao's conflict is called one of the "long- forgotten wars". Right now there are different conflicts rising up or increasing on the island. As it is often the case, the minority of indigenous peoples is the one that suffering the most.

One problem is a conflict between the communist rebels with their armed wing, the New People's Army (NPA) and the Armed Forces of the Philippines (AFP), which is fought on the Lumad's land. As a counterinsurgency Operation Plan, President Aquino introduced OPLAN Bayanihan, which for the Lumads means a militarization of their communities. This does not mean the communities are any saver. Paramilitary groups like Alamara or Magahat- Baghani systematically kill human rights defenders, environment activists or civilians. Attacks on schools are particularly common and feared; the military is either watching the incidents or supporting the groups.

Bishop Odchimar told the Senate probe that there seems to be an "unholy alliance" between the military and the Magahat-Bagani.

On September 1st 2015, the school principal Emerito Samarca of the ALCADEV School in Surigao del Sur was killed by the paramilitary group Magahat/Bagani. Two "Datus" (influential indigenous community leaders) were also shot down, accused of belonging to or supporting the communist New People's Army, NPA. Two days prior to this incident, the paramilitary group burned down the school cooperative and threatened to massacre the entire community in case it wouldn't leave. Over 3,000 individuals evacuated to nearby municipalities. Soldiers were standing close by, watching and doing nothing. Unfortunately, this is only one example of many killings and incidents that are treated with impunity.

In a statement issued on Nov. 14, Rius Valle, the spokesperson of Save Our Schools Network said their group documented 95 cases of attacks on schools reportedly by soldiers and paramilitary men all over Mindanao since September 2014, or more than 400 cases in the entire time of the Aquino presidency since 2010.

A recent report concludes that with 31 killings in 2015, the Philippines are second worldwide in terms of killings of human right defenders.

On 17th January, 2016, Alibando Tingkas, a 15 year old boy on his way home from the Salugpogan school in Talaingod was shot by Joven Salangani, member of the paramilitary group "Alamara". This is the 29th child victim under the counterinsurgency plan "Oplan Bayanihan" of President Benigno Aquino III. These deaths demand an independent investigation. The murder of human rights defenders, environmental activists and civilians should not be treated with impunity any longer.

Besides the killings, there are more than 700 political prisoners in the Philippines at the moment, many of them Lumad.

Especially worrying is that there is an obvious connection of the extrajudicial killings and economic interests into Mindanao's rich soils and mineral resources by (mostly foreign) mining, logging and plantation agriculture companies. Unfortunately the land they are focusing on is the ancestral land of the Lumad. When indigenous people opposed these large operations on their lands, the conflicts with the security forces paid for by the mining companies have resulted in deaths and loss of ancestral lands. Ola Almgren, UN Resident and Humanitarian Coordinator in Manila, likewise cited the link between the exploitation of natural resources and the human rights violations against the Lumads.

Out of fear of attacks, thousands of Lumad families all over the island leave their communities and flee to evacuation camps in the cities. The situation on the camps is really bad. Health conditions are insufficient and 10,000s are sick. In March 2015, a four year old boy died in the evacuation center Minguindanao due to bad health conditions. People don't

know where to go when asked to leave the camps again, as they don't see their communities as safe enough. While the communities are in evacuation, the deprivation of the ancestral lands of the Lumads doesn't stop. Companies start putting machines to the chosen spot while nobody can protect their properties.

Large scale mining open- pit mining is still not forbidden in the Philippines and especially destructive for the environment. In small-scale mining the toxic mercury is still in use as well as under water mining. In the agriculture industry very toxic insect pesticides are used. This is dangerous for the environment as well as for the peoples working for these companies. The working day is too long and the payment not enough. Child work is happening in both industries. The pollution of the waters through toxic mine wastes has an impact on the entire island and the peoples living there.

The further destruction of the once even more rich and diverse environment is particularly striking, as Mindanao has problems with climate change-induced phenomena already. Right now there is a terrible draught due to the increase of El Nino and the changed water ways on the island due to watering of the big plantations and mining. Again, farmers (many of them Lumads) are the victims. With the destruction of the environment, the culture of the Lumads is dying as well, as it is sourced in their ancestral lands.

Another conflict that is fought in Mindanao and therefore problematic for the Lumads, is the religious conflict between Christians and Muslims. Since the Bangsamoro Basic Law, BBL was denied, insurgencies from the Moro Islamic Liberation Front, MILF and Bangsamoro Islamic Freedom Fighters, BIFF are rising up again and the peace process is challenged once more. The 2012 Framework Agreement on Bangsamoro, FAB and 2014 Comprehensive Agreement on Bangsamoro, CAB have not been followed. MILF and other Islamic groups criticize that the Basic Law on Bangsamoro Autonomous Region BLBAR which is offered to come into force instead, actually means less autonomy than the Autonomous Region for Muslim Mindanao, ARMM, which was the previous regulation. Therefore, they declared to oppose new negotiations as they still count on the CAB that determines the BBL to come into force in January 2016.

We think it is especially urgent to discuss this topic as there are elections in the Philippines on May 10th. It is important that the government is reminded by the international community of its obligation regarding human right violations like extrajudicial killings and disregard of indigenous peoples (land) rights. The Lumads need to have a voice during the election campaigns. Their cry for help cannot be ignored any longer.

Recommendations:
Society for Threatened Peoples calls on the Human Rights Council to urge the government of the Philippines to:

- To support the Lumads' first demand, that is to pull out military troops from their communities;

- To disband and disarm the paramilitary groups so that the indigenous peoples can return from the evacuation camps into their communities where they have the possibility to life their culture and for being independent and self-sufficient through farming.

- Restrict the Rights for foreign large- scale open pit mining and similar environment destructive economies. Land grabbing and human right violations of these companies cannot be accepted any longer. Instead, laws for the protection of the environment have to be introduced.

- Provide for an independent investigation of the extrajudicial killings.

- Improve the working conditions on the Philippines have to ameliorate. Especially child labor has to be abolished. Child labor is a sign for great poverty. The roots for this poverty have to be addressed.